

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LANETTE ARNDT, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 12-01145-CV-W-DGK
)	
SAM'S EAST, INC.,)	
)	
Defendant.)	

ORDER ON DISCOVERY

On February 27, 2013, Plaintiffs Lanette and Michael Arndt requested a discovery telephone conference pursuant to Local Rule 37.1. The parties subsequently filed discovery memorandum (Docs. 27, 28). Because the parties' memoranda thoroughly explained their positions, no telephone conference is necessary, and the Court rules on the basis of the existing record.

Background

Plaintiffs Lanette and Michael Arndt are a married couple that reside in Kansas City, Missouri. Plaintiff Lanette Arndt alleges that on August 13, 2011, she tripped and fell on a "hidden, unmarked, and unattended metal flat-bed" in the public shopping area of Sam's Club on North Oak Trafficway, resulting in severe injuries to her right elbow, right arm, right shoulder, left hand, left knee, back, and left ankle. Plaintiffs seek damages under theories of premise liability, negligence, and loss of consortium.

Discussion

Defendant objects to Plaintiffs' Interrogatory No. 27 which asks Defendant to "[s]tate whether there have been falls either causing or not causing injuries involving the carts on which the Plaintiff Lanette Arndt alleges she fell during the last ten years." If so, Plaintiffs request the date of

the falls; the name and addresses of the person who fell; and a description of the facts and circumstances surrounding the fall.

Defendant contends Interrogatory No. 27 is vague and ambiguous as to the phrase “involving the carts,” and further maintains that the interrogatory is overly broad and unduly burdensome because it is not limited in scope and is not reasonably limited in time. Defendant offered to provide information to this interrogatory for a limited number of surrounding stores for a one year period, but Plaintiff declined.

The Court agrees with Defendant that Interrogatory No. 27’s request for information is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1). Accordingly, Defendant is directed to answer Interrogatory No. 27 by providing information from all Sam’s Club stores within a fifty-mile radius of Kansas City, Missouri from January 1, 2010 through August 13, 2011.

IT IS SO ORDERED.

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

Dated: March 20, 2013